

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Ivins *et al.*

**Application No.** 10/533,634

**Filed:** April 29, 2005

**Confirmation No.** 5041

**For:** METHOD OF PREVENTING  
INFECTIONS FROM BIOTERRORISM  
AGENTS WITH  
IMMUNOSTIMULATORY CPG  
OLIGONUCLEOTIDES

**Examiner:** Emily M. Le

**Art Unit:** 1648

**Attorney Reference No.** 4239-67021-06

**FILED VIA EFS ON**  
**October 31, 2008**

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COMMISSIONER FOR PATENTS

**AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

This Amendment and Response to Non-Final Office Action is submitted in response to the Office action dated July 31, 2008. A three-month period for response was set making a reply due on or before **October 31, 2008**. It is believed no fees are due in connection with this response. If it is determined that fees are due, the Commissioner is hereby authorized to deduct any such fees from Deposit Account 02-4550.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2.

**Remarks** begin on page 7.

Also provided herewith is a Declaration under 37 C.F.R. §1.132 by Dr. Klinman, Dr. Klinman's *curriculum vitae* and copies of the following references:

Su *et al.* (*Infect. Immun.* 71(9):5178-5187, 2003)

Threadgill *et al.* (*Vaccine* 16(1):76-82, 1998)

Klinman *et al.* (*Vaccine* 22:2881-2886, 2004)

Little *et al.* (*Vaccine* 25:2771-2777, 2007)